

May 4, 2018

Judge Leonard  
Midland County Courthouse  
500 N. Lorraine St, 3rd Floor  
Midland, TX 79701

FILED

2018 MAY -8 PM 2:19

ALEX ARCHULETA  
DISTRICT CLERK  
MIDLAND COUNTY, TEXAS  
BY *Shelbie Montes* DEPUTY  
SHELBY MONTES

Re: Requested for a different appointed attorney for my son Sebastian Zapata.

My name is Aracely Yates. I am writing to you to request a different appointed attorney for my son, Sebastian Zapata. The current appointed attorney is Wayne Frost. I have filed a grievance against him with the State Bar of Texas due to his unprofessionalism and unethical behaviors.

To begin with, Mr. Frost does not return phone calls. I know someone else who has used him in the past, and she had the same experience with him. It was very difficult just to get an appointment with him. I called several times for a couple of weeks, leaving a message each time. I even showed up to his office on a Thursday afternoon, around 1:30 PM, and his office door was locked with the lights off. I finally received a call back from his secretary after the Dr. Phil show reached out to them. The Dr. Phil show had asked us for a police report, and for other complicated reasons, involving dishonesty, we are not able to get a police report about this incident. I was told that the report can only be reviewed with the attorney. Mr. Frost has refused to allow Sebastian to view the police report to confirm that everything on it are in fact things that really happened. At this point, I am very concerned because there has been so much dishonesty involved in all of this process.

Mr. Frost does not seem one bit interested in doing his job. We have only had one appointment with him. That was on March 12<sup>th</sup> of this year. We have not been able to get any other appointments with him. I had to show up at his office with information in writing for him, just to get through to him. I did that right before Sebastian's arraignment. We have never even heard from Mr. Frost or his office about anything that is going on. I am the one that has to keep trying to check with them about things, but they never respond. Phone calls and messages are not returned.

**I was very shocked and upset by Mr. Frost's disgustingly unprofessional behavior at my son's pretrial hearing. He is a shameless liar, and there is something very wrong with him. No doubt about it.**

First of all, Sebastian and I showed up clueless about everything. We did not even know where we were supposed to be because no one told us where to go. I only knew to go to the courthouse at 10:45 AM on May 4<sup>th</sup>, because we got that in writing at Sebastian's arraignment. When we arrived, I asked at the front where to go. We were sent to the District Attorney's office. So, we went there. They did not know what to tell us. We were finally able to figure it out that it was the 8<sup>th</sup> floor where we were supposed to be. Why would this information be kept from us? Mr. Frost had not even talked to Sebastian since the arraignment. I called his office several times over 2 weeks before, requesting an appointment. He apparently called my cell phone once. I missed his call, and apparently, he was not able to leave a voicemail. He never even bothered to call Sebastian's phone. We made sure that Mr. Frost had Sebastian's correct phone number, at the one and only appointment we have ever had with him, especially because he claimed to have the wrong address for Sebastian and had mailed the affidavit to the wrong address. There was no reason for him to have the wrong address, other than he is that careless (incompetent), or he did it on purpose. I had previously confirmed with the Attorney General

*199*  
Copies to:  
Holloman  
Frost

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that they had the correct address for Sebastian. I also confirmed it again (with the Attorney General) after this incident. Mr. Frost either lied to us when he told us that this was address that was given to him by the Attorney General's office, or he is that careless and incompetent.

On top of that, Mr. Frost said that he had gone to the jail to meet with Sebastian. I had been leaving messages for him for over 2 weeks about setting up an appointment to meet with Sebastian and I. There is no reason for why he would have thought Sebastian was still sitting in jail. It was very clear that Sebastian was out, and we were now looking for an appointment to meet with him. He went looking for Sebastian at the jail, after I had left all those messages. It makes no sense at all.

Secondly, once we finally got the appointment, we went in, and we witnessed some very unprofessional behavior from him. He had a client that had an appointment right before us. Mr. Frost met with this client with his door wide open for us to hear everything. Mr. Frost is very rude and has a very ugly attitude. He was horrible to this client. After about ten minutes, Mr. Frost kicked out the client and called us in. Mr. Frost kept ignoring the client's questions. Then he stood there and argued with the client with us standing right next to them.

He was then rude to us too, and he also met with us with his door wide open, for everyone else in the office and anyone else that walked in to hear. He basically asked us what we wanted. I was surprised that he would not know why we were there. I started off with something like, "Well you were appointed to Sebastian." His response was basically—Yeah, I know that, now what? I asked about the police report. We were there to review the police report and go over the facts about the case. He did not care to do any of it. It was very difficult to even ask any questions because he would not allow us to get any in. He just rambled, and basically told Sebastian he was in big trouble and that was it. He quoted Texas criminal procedure code 39.14 and said that it would be a criminal offense to provide us with the police report. My understanding is that Sebastian has the right to view that report. Why is he denying this?

Before Sebastian's arraignment last month, I provided Mr. Frost with some things in writing. I am certain that Sebastian has an Autism Spectrum Disorder. He is being evaluated this month by a top-notch place, to get a formal diagnosis. I have included a copy of that information with this letter. We had not talked to Mr. Frost at all until the day of the arraignment. He basically just told us that the next meeting was on May 4<sup>th</sup>. I asked if it would be there at the courthouse, he said yes but on a different floor. I talked about Sebastian's upcoming evaluation. I told him we would make Sebastian's medical records available to him by having Sebastian sign a release for Mr. Frost to access them. Mr. Frost declined and said for me just to bring them to him. Then he made it clear that the information I had provided him with was no help at all.

We had not had any contact at all with Mr. Frost until May 4<sup>th</sup> at the pretrial hearing. Mr. Frost completely ignored us when we arrived, just like he had at the arraignment. I was very shocked when Sebastian's turn came. When asked if there had been an offer made, Mr. Frost responded yes. We had no idea about any of this. Sebastian was just hearing it for the first time, and he had no idea what was going on. Mr. Frost tried to whisper something in Sebastian's ear, but Sebastian said he did not understand what Mr. Frost was saying. Then the offer was read to him. Sebastian was asked if he understood the offer. I saw Mr. Frost tell Sebastian to say yes. Sebastian did understand it, and he did agree that he understood it. The offer of course was declined.

As we walked out of the courtroom, I asked Mr. Frost about the offer and why he had not made us aware of this before. Mr. Frost (more than likely lied) saying that the offer had just then been made right there, when they went up to talk to the judge. Would that be right? There was no offer made prior to this time? It was just right there that the offer had come up for the first time? That is exactly how he explained it, and there was even another one of his clients (with his wife) standing right next to Mr. Frost, the whole time while this conversation went on. Mr. Frost then went on to let me know that he had called my phone and had not been able to leave a message. I let Mr. Frost know that I had returned his call, less than hour after the missed call, and I left a voice message for him. I never received a call back. Mr. Frost just kept blaming me and repeating that I would have known if he had been able to leave a message for me. I then told Mr. Frost that we needed an appointment for Sebastian to review the police report. Mr. Frost blatantly lied and said that we had already done that at the appointment we had with him, and that we had even reviewed the text messages. I told Mr. Frost that he had never done any of that. He became very upset. He told me he was not going to argue with me. Then he told me that he did not need to talk to me because I was not his client, Sebastian is. This does not add up with the fact that he has not once called Sebastian's phone.

There is something clearly very wrong with this man. He is not one bit interested in doing his job. He is not interested in hearing anything that has to do with defending the client, which is what he is supposed to be doing. He lies shamelessly. He gets defensive when confronted with the truth, and he gets very angry very easily. The other client's wife whispered to me that Mr. Frost had done this to her husband as well. Sebastian and I witnessed him doing it to another client at the one and only appointment we ever got. My friend who has used him in past also confirmed that Mr. Frost is very unorganized and difficult to get a hold of. I'm sorry, he just does not seem competent to be anybody's lawyer.

May Sebastian please be appointed a different attorney for his case?

Thank you for listening,



Aracely Yates

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